

ORDER

¹ The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) (“Vaccine Act” or “the Act”). Individual section references hereafter will be to § 300aa of the Act (but will omit that statutory prefix).

On March 18, 2022, Petitioner filed the instant Motion to Dismiss stating that J.T. had reached the age of majority and “is not interested in pursuing this matter and has requested that petitioner dismiss the claim.” Pet’r’s Mot. at 1, ECF No. 94. Petitioner indicated that she “understands that a decision by the Special Master dismissing her petition will result in judgment against her” and that she has “been advised that such a judgment will end all of her rights in the Vaccine Program. *Id.* Petitioner also indicated that she intends to reject the judgment and file a civil action. *Id.*

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that she suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to her vaccination, or (2) that she suffered an injury that was actually caused by a vaccine. *See* §§ 13(a)(1)(A) and 11(c)(1). Moreover, under the Vaccine Act, a petitioner may not receive a Vaccine Program award based solely on her claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent medical expert. § 13(a)(1). In this case, however, there is insufficient evidence in the record for Petitioner to meet her burden of proof. Petitioner’s claim therefore cannot succeed and, in accordance with her motion, must be dismissed. § 11(c)(1)(A).

Thus, this case is DISMISSED for insufficient proof. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

s/ Katherine E. Oler
Katherine E. Oler
Special Master